

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|---------------------------|---|---------------------|
| -----X | : | |
| SHENG-WEN CHENG, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 22-CV-10536 (VSB) |
| -against- | : | |
| | : | <u>ORDER</u> |
| UNITED STATES OF AMERICA, | : | |
| | : | |
| Defendant. | : | |
| -----X | : | |

VERNON S. BRODERICK, United States District Judge:

On June 8, 2023, approximately six months after the initiation of this action, Plaintiff filed a set of items docketed as a single amended complaint. (Doc. 31.) Included within that 51-page filing, however, were materials requesting a preliminary injunction and an order to show cause why an injunction should not issue. (*Id.* 21–51.) The government filed a renewed motion to dismiss this amended complaint on June 22, 2023, and, as part of that briefing, addressed the implications of this motion for Plaintiff’s preliminary injunction in a footnote. (Doc. 40 at 3 n.1.) Plaintiff’s opposition to this motion to dismiss is pending.

Facilitating briefing in this case thus far has been a challenge given the barriers and delays imposed by Cheng’s ongoing incarceration and I am mindful of the competing needs to ensure all parties are fully heard on the issues while facilitating the efficient adjudication of this case, particularly in light of Cheng’s claims of irreparable harm. Accordingly, by July 12, 2023, the Government shall submit a letter stating whether it wishes to file an additional brief specifically opposing Cheng’s motion for a preliminary injunction. Based on that letter, I will set a briefing schedule for resolving the outstanding issues in this case. The Clerk of Court is

respectfully directed to mail a copy of this order to Cheng.

SO ORDERED.

Dated: July 7, 2023

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick

United States District Judge